

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Additional Estimates 2010-2011**

Agency - Fair Work Ombudsman

DEEWR Question No.EW0766_11

Senator Cameron asked on 23/02/2011, Hansard page 40.

Question

457 VISAS

Senator CAMERON—.... I am happy for you to take that question on notice and come back to me with some views on what checks and balances you will be looking at on 457 visas.

Answer

The Fair Work Ombudsman has provided the following response.

The Fair Work Ombudsman makes inquiries into and investigates complaints and reports regarding subclass 457 visa holders. These complaints may be initiated by the visa holder, lodged confidentially, referred by an external body - such as a union - or be initiated by the agency in response to media reports.

The Fair Work Ombudsman finalised 2,308 complaints relating to subclass 457 visa holders and other visa holders from 27 March 2006 to 31 December 2010, resulting in the recovery of \$3,226,837 in unpaid wages. Since 2006, the Fair Work Ombudsman has initiated 26 proceedings at court and secured more than \$800,000 in penalties for matters that have involved migrant workers. Each of the 26 cases is listed below:

- Bosen Pty Ltd, Mr Hao Chen & Ms Xue Jing
- Kentwood Industries Pty Ltd and Jian Yang Zhang
- Orwill Pty Ltd, Total Trades Personnel Australia Pty Ltd, Irwan Farkas and Siaw Yeow
- Taj Palace Tandoori Indian Restaurant Pty Ltd and Mr Nathi Singh Rawat
- Macquarie Business Services/Mr Joseph Krawzinski
- China Sanan Engineering Construction Corporation
- D.Z. Import and Export Trading Company
- Fuzzyeyes
- Nu Life Organic Farms Pty Ltd & Ors
- Kim Nam Choi
- Greenstone Australia Pty Ltd t/as Four Rivers Chinese Sichuan Restaurant
- The Italian Eatery t/as Zeffirelli's Pizza Restaurant
- ACN 078 899 591 Pty Ltd (t/as Kohinoor Indian Centre (Blue Elephant))
- Harrington Corporation Pty Ltd t/as Pangaea
- Healthcare Recruiting Australia Pty Ltd
- Yoga Tandoori House Pty Ltd

- Australian Recruiting Pty Ltd
- Sanada Investments t/as Sushi Train
- Education Training and Employment Australia Pty Ltd (Nursebank)
- Aprint (Aust) Pty Ltd
- Xidis Pty Ltd & Nick Iksidis
- Penang Kayu Nasi Kandar Pty Ltd t/as Kayu at Box Hill
- KSN Engineering Pty Ltd
- Lang v Xidis Pty Ltd & Anor
- Frang Huang
- Lightfield Investments

Complaints received by the Fair Work Ombudsman concerning the employment conditions of migrant workers usually relate to wages and conditions matters, including alleged underpayment or non-payment of wages, allowances and overtime; or failure to comply with record keeping obligations.

The Fair Work Ombudsman is the agency responsible for enforcing Commonwealth workplace laws, but this does not include enforcement of market rates, sponsor undertakings or other requirements provided by immigration legislation. As such, the Fair Work Ombudsman works cooperatively with other departments including the Department of Immigration and Citizenship, to ensure that visa holders receive their correct entitlements. The Fair Work Ombudsman also works closely with the Australian Federal Police in relation to referral of investigations where the emphasis is on victims of trafficking.

In order to ensure that the Fair Work Ombudsman's services are accessible to visa holders, the agency offers free access to the Translating and Interpreting Service and distributes publications translated into 26 community languages.

The 26 selected community languages are:

- | | | | |
|------------|--------------|--------------|--------------|
| • Arabic | • Indonesian | • Portuguese | • Thai |
| • Chinese | • Italian | • Russian | • Tongan |
| • Croatian | • Japanese | • Serbian | • Turkish |
| • Dari | • Korean | • Sinhalese | • Urdu |
| • Filipino | • Macedonian | • Somali | • Vietnamese |
| • Greek | • Nepali | • Spanish | • |
| • Hindi | • Persian | • Tamil | • |